IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

CHAMBER SUMMONS No. 1527/2005 IN
EXECUTION APPLICATION No. 335 of 2005.
SPECIAL CIVIL SUIT No.597 of 2002.

Mr.Nilesh s/o Eshwar Narnaware. ..Plaintiff.

Versus.

M/s.S. Kumars Dot.Com.Ltd. .. ..Defendants.
and Ors.

Mr. Shetty i/b. Shetty & Associate for the plaintiff.

Mr. R.M. Ramlingaiah for Judgment Debtor 1 & 2.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 26th JUNE,2006.

P.C.:-

1] The Chamber Summons No.1527 of 2005 is filed by the plaintiff decree holder for execution of a decree passed in Special Civil Suit No. 597 of 2002 by the 3rd Joint Civil Judge, Senior Division, Nagpur. The present Chamber Summons is for amendment of the Execution Application No.355 of 2005.

2] At the hearing of this Chamber Summons, the Advocate appearing for the Judgment debtors, original defendants invited my attention to the application made for setting aside the decree and the order passed thereon. He states that in pursuance of this order the bank guarantee in satisfaction of the entire decretal claim has been furnished and the application for setting aside the ex parte decree is

pending. The Trial Court has granted stay of execution and it is extended from time to time.

3] An affidavit has been filed annexing there with the copy of the order passed by the Trial Court and the bank guarantee.

4] In the light of this development, learned Advocate appearing for the plaintiff/decree holder seeks lave to withdraw this Chamber Summons with liberty to file afresh as and when occasion arise.

5] Leave granted with liberty as prayed.

6] Chamber summons is dismissed as withdrawn with liberty as prayed.

(S.C.DHARMADHIKARI,J.)